

Notice of Allowability

Application No.

09/956,890

Examiner

Satya B Sastri

Applicant(s)

OCHIAI ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on January 20, 2004.
2. ☒ The allowed claim(s) is/are 1-4 and 8.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This office action is in response to the amendment filed on January 20, 2004. With the cancellation of *claims 7, 9, 10* in the amendment, *claims 1-4, 8* are now pending in the application. In view of the amendment of claims, rejection of *claims 1-4, 8* under 35 U.S.C. 103(a) as being unpatentable over Uchiumi et al. (US 6,329,480 B1) is withdrawn. Additionally, the 1.132 Declaration submitted by the Applicants is deemed persuasive and distinguishes the claimed invention from the prior art used for rejection in earlier office actions.

Allowable Subject Matter

2. *Claims 1-4, 8* are allowed.

The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest reference to Uchiumi et al. (US 6,329,480 B1).

The present invention discloses a process for producing poly(meth)acrylate having a reduced metal content and in which a bound site to (meth)acrylic acid is a tertiary carbon or in which said site is an acetal, which comprises contacting a mixture of a (poly)methacrylate in which a bound site to (meth)acrylic acid is a tertiary carbon or an acetal and an organic solvent with an acidic aqueous solution obtained by dissolving oxalic acid in water.

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Uchiumi et al. disclose the process for the preparation of acrylic acid ester polymer that includes carrying out polymerization of an acrylic acid ester or block copolymerization of an acrylic acid ester and another (meth)acrylic monomer in the presence of an organometallic compound. Uchiumi et al. further disclose that for the removal of the metal compound, it is effective to subject the acrylic acid ester polymer to cleaning treatment such as washing treatment such as washing treatment with an acidic aqueous solution. Additionally, Uchiumi et al. include that it is preferred to wash the acrylic acid ester polymer with an acidic aqueous solution as soon as possible after the termination of the polymerization, whereby metal components can be removed with high efficiency. In as far as the acidic aqueous solutions are concerned, the prior art includes acids such as hydrochloric acid, sulfuric acid, nitric acid, acetic acid, propionic acid, and citric acid (column 18, lines 15-30). The prior art does not include oxalic acid as disclosed in the instant invention. Additionally, applicant's show comparative results that accounts from unexpected low levels of metal content as compared to other acids disclosed in the prior art.

Therefore, the instantly claimed invention is deemed allowable over the closest prior art of record as per said art neither anticipating nor rendering obvious the instantly claimed process for producing poly(meth)acrylate having a reduced metal content and in which a bound site to (meth)acrylic acid is a tertiary carbon or in which said site is an acetal, which comprises contacting a mixture of a (poly)methacrylate in which a bound site to (meth)acrylic acid is a tertiary carbon or

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an acetal and an organic solvent with an acidic aqueous solution obtained by dissolving oxalic acid in water. There is no teaching or suggestion or motivation to modify the prior art method to include all the processing limitations disclosed in the instant invention.

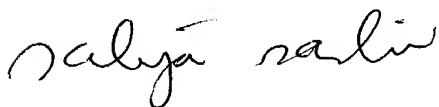
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri at (571) 272 1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached at (571) 272 1114.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-0661.



SATYA SASTRI

February 10, 2004



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700